

House Study Bill 545 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON GASKILL)

A BILL FOR

- 1 An Act authorizing the posting of certain notices, actions, and
- 2 information on an internet site.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 21.4, subsection 4, Code 2009, is amended
2 to read as follows:

3 4. If another section of the Code requires or authorizes a
4 manner of giving specific notice of a meeting, hearing, or
5 an intent to take action by a governmental body, compliance
6 with that section shall constitute compliance with the notice
7 requirements of this section.

8 Sec. 2. NEW SECTION. **22A.1 Electronic publication of public**
9 **notices.**

10 1. For purposes of this section, "*municipality*" means a
11 public body or corporation that has power to levy or certify a
12 tax or sum of money to be collected by taxation.

13 2. *a.* A municipality that is required by statute to
14 publish or post in a public place a notice, action, or other
15 information, may, in lieu of such requirements, post the
16 notice, action, or other information on an internet site
17 if posting such information on an internet site has been
18 authorized, by ordinance or resolution of the governing body of
19 the municipality, as a means of official publication.

20 *b.* An ordinance or resolution that authorizes posting on an
21 internet site as an official publication shall identify each
22 type of notice, action, or information that shall be posted on
23 an internet site in lieu of publication. If the municipality
24 is a city or a county such authorization shall be by ordinance.

25 *c.* This section shall not apply to the publication of
26 notices under chapter 6B, notices provided under the rules of
27 civil procedure, or any notice required to be given by personal
28 service.

29 3. Notices, actions, or other information posted by a
30 municipality on an internet site pursuant to this section shall
31 include all information otherwise required to be contained in
32 the publication and shall comply with all requirements relating
33 to the date of publication.

34 4. If posting on an internet site is authorized by a
35 municipality to satisfy publication requirements, all of the

1 following shall apply:

2 *a.* The internet site shall be operated and maintained by the
3 governing body of the municipality.

4 *b.* The internet site shall be accessible at all times by the
5 public, including the visually impaired.

6 *c.* The public shall not be charged for access to any notice,
7 action, or other information posted on the internet site
8 pursuant to this section.

9 *d.* The internet site shall be searchable by keyword, type of
10 notice, action, or information, and geographic location.

11 *e.* The notice, action, or other information posted on an
12 internet site pursuant to this section shall be maintained
13 and accessible through the same internet site address for
14 as long as required by law or as long as such information
15 is customarily maintained by the municipality, whichever is
16 longer.

17 *f.* A notice, action, or other information posted on an
18 internet site pursuant to this section by a municipality other
19 than a city shall also be made available by the municipality
20 in a paper format in the office of the county auditor. A
21 notice, action, or other information posted on an internet site
22 pursuant to this section by a municipality that is a city shall
23 also be made available by the municipality in a paper format in
24 the office of the city clerk.

25 Sec. 3. Section 49.53, subsection 2, Code Supplement 2009,
26 is amended to read as follows:

27 2. The notice shall be published in at least one newspaper,
28 as defined in section 618.3, which is published in the county
29 or other political subdivision in which the election is to
30 occur or, if no newspaper is published there, in at least
31 one newspaper of substantial circulation in the county or
32 political subdivision. For the general election or the primary
33 election the foregoing notice shall be published in at least
34 two newspapers published in the county. However, if there
35 is only one newspaper published in the county, publication

1 in one newspaper shall be sufficient. Compliance with the
2 requirements of section 22A.1 shall constitute compliance with
3 the publication requirements of this section.

4 Sec. 4. Section 279.36, unnumbered paragraph 1, Code 2009,
5 is amended to read as follows:

6 The requirements of section 279.35 are satisfied by
7 publication in at least one newspaper published in the
8 district or, if there is none, in at least one newspaper having
9 general circulation within the district. Compliance with the
10 requirements of section 22A.1 shall constitute compliance with
11 the publication requirements of this section.

12 Sec. 5. Section 331.305, Code 2009, is amended to read as
13 follows:

14 **331.305 Publication of notices.**

15 Unless otherwise provided by state law, if notice of an
16 election, hearing, or other official action is required by this
17 chapter, the board shall publish the notice at least once, not
18 less than four nor more than twenty days before the date of the
19 election, hearing, or other action, in one or more newspapers
20 which meet the requirements of section 618.14. Notice of an
21 election shall also comply with section 49.53. Compliance with
22 the requirements of section 22A.1 shall constitute compliance
23 with the publication requirements of this section.

24 Sec. 6. Section 362.3, Code 2009, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 3. Compliance with the requirements of
27 section 22A.1 shall constitute compliance with the requirements
28 of this section relating to publication in a newspaper and to
29 publication by posting.

30 EXPLANATION

31 This bill relates to the publication of notices, actions,
32 and other information by municipalities, as defined in
33 the bill. Under the bill, a municipality that is required
34 by statute to publish, or post in a public place, a
35 notice, action, or other information, may, in lieu of such

1 requirements, post the notice, action, or other information on
2 an internet site if posting such information on an internet
3 site has been authorized, by ordinance or resolution of
4 the municipality and the type of notice, action, or other
5 information required to be posted is identified in the
6 ordinance or resolution.

7 The bill does not allow notices under Code chapter 6B
8 ("Procedure Under Eminent Domain"), notices provided under the
9 rules of civil procedure, or any notice required to be given
10 by personal service to be posted on an internet site in lieu of
11 publication or service.

12 The bill requires notices, actions, or other information
13 posted on an internet site to include all information otherwise
14 required to be published and requires compliance with all
15 provisions relating to the date of publication.

16 The bill also requires an internet site used to post notices,
17 actions, and other information to be operated and maintained by
18 the governing body of the municipality; accessible at all times
19 by the public, including the visually impaired; accessible to
20 the public without charge; and searchable. All information
21 posted on an internet site under the bill shall be maintained
22 and accessible through the same internet site address for
23 as long as required by law or as long as such information
24 is customarily maintained by the municipality, whichever is
25 longer.

26 The bill requires a municipality to make all information
27 posted on the internet site, in lieu of publication or posting
28 in a public place, available in a paper format in the office of
29 the county auditor or in the office of the city clerk if the
30 municipality is a city.